

{ SEQ CHAPTER \h \r 1}IN THE UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF VIRGINIA

Alexandria Division

UNITED STATES

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Crim. No.

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DONALD WILLIS KEYSER,

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Defendant

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**AFFIDAVIT IN SUPPORT OF CRIMINAL COMPLAINT AND ARREST WARRANT**

I, David R. Farrell, Jr., being duly sworn, depose and state the following:

**V. Experience of the Affiant**

5. I am a Special Agent with the Federal Bureau of Investigation and have been so employed since January 2003. I am currently assigned to a counterintelligence squad at the FBI's Washington Field Office. My responsibilities include the investigation of possible criminal violations of the espionage statutes (Title 18, United States Code, Sections 792 - 798) and other statutes addressing criminal violations affecting the national security of the United States.

2. This affidavit supports a criminal complaint and arrest warrant for DONALD WILLIS KEYSER for concealing material facts and making materially false official statements in violation of 18 U.S.C. § 1001(a). Specifically, and as discussed more fully below, KEYSER submitted a security reinvestigation form to the Department of State in May 2004 in which he knowingly and willfully omitted material information about a trip he made to Taiwan in

September 2003, and knowingly, willfully, and falsely certified that the information he had provided on the form was true, complete, and correct.

3. This affidavit is not intended to include each and every fact and matter

known by

me or the United States Government. My knowledge of the facts and circumstances contained within this affidavit is based upon personal knowledge derived from my participation in this investigation and oral and written information that I have received from FBI agents and other federal agents.

II. **Donald Willis Keyser**

4. DONALD WILLIS KEYSER was commissioned a Foreign Service Officer in the U.S. Department of State in 1972. He has served in numerous State Department positions in Washington, D.C., and at U.S. embassies abroad that involve U.S. foreign policy with respect to East Asia and the Pacific, including positions as a China analyst for the Bureau of Intelligence and Research (1973-1975); Chief of the Political/External Affairs Unit at the U.S. embassy in Tokyo, Japan (1985-1988); Minister-Counselor at the U.S. embassy in Beijing, China (1989-1992); and Director, Office of Chinese and Mongolian Affairs, Bureau of East Asia and Pacific Affairs (1993-1995).

5. In or about July 2001, KEYSER was appointed to the position of Deputy Assistant Secretary of State for East Asian and Pacific Affairs in Washington, D.C. In or about January 2004, KEYSER was promoted to the position of Principal Deputy Assistant Secretary for East Asian and Pacific Affairs.

6. As Deputy Assistant Secretary of State and subsequently Principal Deputy Assistant Secretary, KEYSER had extensive involvement in, and responsibility for, the foreign policy of the United States with respect to East Asia and the Pacific.

7. In his positions as Deputy Assistant Secretary and subsequently Principal Deputy Assistant Secretary, KEYSER held a Top Secret security clearance and had access to Sensitive Compartmented Information (“SCI”). He had access to, and regularly reviewed, classified information as part of his duties at the Department of State.

8. On or about July 30, 2004, KEYSER stepped down from his position as Principal Deputy Assistant Secretary of State and tendered his resignation from the United States Government, having decided to retire from employment with the U.S. Government. Since the time his resignation was submitted, KEYSER has had no official responsibilities other than to attend a mandatory retirement course for retiring employees in Rosslyn, Virginia.

### III. **Foreign Persons One and Two**

IV. 9. Foreign Person One is a 33-year old Taiwanese national and an employee of Taiwan’s National Security Bureau, an agency of the government of Taiwan. Foreign Person Two is the superior of Foreign Person One. Foreign Persons One and Two are stationed at the Taipei Economic Cultural and Representative Office (TECRO), located at 4201 Wisconsin Avenue, N.W. in Washington, D.C. **Undisclosed Travel by Keyser to Taiwan in September 2003**

10. On or about August 31, 2003, KEYSER traveled from the United States to the People’s Republic of China (“PRC”) on official Department of State business. On or about

September 2, 2003, KEYSER traveled from the PRC to Tokyo, Japan, on official Department of State business, returning to the United States on or about September 7, 2003. While in Tokyo, KEYSER took a three day side-trip to Taipei, Taiwan. According to Japanese immigration records, KEYSER departed Narita, Japan, on or about September 3, 2003, on China Airlines, and returned to Narita from Taipei on China Airlines on or about September 6, 2003.

11. Airline records show that Foreign Person One flew from Washington Dulles Airport to Taipei, via Los Angeles, on or about August 30, 2003. Airline records also show that Foreign Person One flew from Taipei back to Washington Dulles Airport, via Los Angeles, on or about September 8, 2003. Foreign Person One told the FBI that KEYSER met with Foreign Person One while in Taipei from September 3-6, 2003.

12. An examination of KEYSER's debit/check card records indicates that he made two purchases in Taipei, Taiwan in September 2003. The first purchase was a check card transaction at Christian Dior Taiwan-II in Taipei in the amount of \$570.01. The second purchase was a check card transaction at the Grand Formosa Regent Taipei hotel in the amount of \$333.19. These two transactions were listed on KEYSER's credit card statements as having effective dates of September 8, 2003, and September 9, 2003. A representative of the State Department Federal Credit Union informed me that these dates are consistent with purchases made during the time frame of September 3-5, 2003, because there are often delays of several days to post transactions occurring overseas.

13. KEYSER did not disclose his trip to Taiwan to the Department of State following his return to the United States, as was required. To conceal his trip to Taiwan, KEYSER claimed three days of annual leave for time purportedly spent in Tokyo – the same three days he was

actually in Taiwan – and stated on his travel voucher, as explanation for the annual leave, that he “found prospective interlocutors to be out of town.”

14. I was informed by James A. Kelly, Assistant Secretary of State for East Asian and Pacific Affairs, and KEYSER’s superior in 2003-2004, that KEYSER was not permitted to travel to Taiwan on official business because the United States and Taiwan do not have formal diplomatic relations. Additionally, KEYSER, because of his security clearance, was obligated to report all personal travel to foreign countries. KEYSER is further obligated to report all contacts with foreign officials taking place in foreign countries. Kelly also said that KEYSER never asked him for permission to travel to Taiwan, and that he would have denied such a request. Kelly also provided an e-mail communication that KEYSER sent him on or about September 1, 2003, in which KEYSER said he planned to take annual leave in Japan because “virtually everyone I would have wanted to see [in Japan] has dispersed to the four corners of the globe . . . .”

V. **Subsequent Contact Between Keyser and Foreign Persons One and Two**

15. FBI agents have observed numerous contacts between KEYSER and Foreign Person One, including the following:

16. On May 29, 2004, FBI agents observed Foreign Person One and KEYSER together boarding an Amtrak train at Union Station for New York Penn Station. FBI agents subsequently observed KEYSER and Foreign Person One together in New York City.

17. On July 23, 2004, at approximately 8:10 p.m., KEYSER picked up Foreign Person One in his personal vehicle outside of TECRO. KEYSER then drove to Rockville, Maryland and parked his vehicle adjacent to the Washington Gas utility lot. At approximately 9:10 p.m.,

Keyser left his parking space and dropped off Foreign Person One near Foreign Person One's residence.

18. On Saturday, July 31, 2004, at approximately 12:28 p.m., KEYSER, Foreign Person One and Foreign Person Two met at the Potowmack Landing Restaurant in Alexandria, Virginia, located at 1 Marina Drive off of the George Washington Parkway. During this meeting, FBI agents observed KEYSER hand two letter-sized envelopes (one each) to Foreign Person One and Foreign Person Two that appeared to bear U.S. Government printing. Agents observed Foreign Person One put the envelope into Foreign Person One's bag, while Foreign Person Two read the packet inside the envelope. Both Foreign Person One and Foreign Person Two kept their envelopes and did not return them to KEYSER. At approximately 2:25 p.m., KEYSER, Foreign Person One, and Foreign Person Two exited the Potowmack Landing Restaurant together. KEYSER was then observed walking toward the vicinity of his vehicle carrying a manila envelope that was folded up.

19. On August 4, 2004, at approximately 12:30 p.m., KEYSER met Foreign Person One at Fin's Restaurant in Washington, D.C. FBI agents observed KEYSER entering the restaurant holding a white piece of paper in his hand. FBI agents inside the restaurant observed KEYSER place the piece of paper on top of Foreign Person One's menu. Foreign Person One read the piece of paper and then returned it to KEYSER.

20. On August 18, 2004, at approximately 12:47 p.m., KEYSER met with Foreign Person One and Foreign Person Two at the Aquarelle restaurant at the Watergate Hotel in Washington, D.C. FBI agents inside the restaurant observed KEYSER hand a folder to Foreign Person Two. A Department of State Diplomatic Security agent observed Foreign Person Two looking at a document at the lunch meeting.

21. KEYSER never disclosed any of the above-referenced meetings with Foreign Person One or Foreign Person Two to his immediate supervisor, Assistant Secretary of State James Kelly, or to other officials in the East Asian and Pacific Affairs Bureau who were responsible for U.S. foreign policy pertaining to Taiwan.

VI. **Keyser's September 4, 2004, Meeting with Foreign Persons One and Two**

22. On Saturday, September 4, 2004, at approximately 12:33 p.m., FBI agents observed KEYSER meet Foreign Person One and Foreign Person Two at the Potowmack Landing restaurant in Alexandria, Virginia. KEYSER was observed entering the restaurant carrying a folder approximately 8 by 11 inches in dimension. During the course of that meeting, FBI surveillance teams observed KEYSER pass a document to Foreign Person One and Foreign Person Two captioned "Discussion Topics" and dated September 4, 2004.

23. Shortly thereafter, KEYSER, Foreign Person One and Foreign Person Two were stopped by the FBI as they left the restaurant. A consensual search of Foreign Person One's person recovered the document that agents had observed KEYSER pass to Foreign Person One and Foreign Person Two inside the restaurant. The document consisted of six pages and was captioned, "Discussion Topics – September 04, 2004." Analysts at the Department of State who have reviewed that document have advised the FBI that portions of the document were derived from material to which KEYSER had access as a result of his employment with the Department of State.

24. In response to questions posed by FBI agents, KEYSER acknowledged that he had just finished meeting with Foreign Person One and Foreign Person Two and said that this meeting had been requested by Foreign Person One, as had previous meetings.



25. During his interview with FBI agents, KEYSER stated that he would often prepare written “talking points” for Foreign Person One and Foreign Person Two for their meetings. KEYSER acknowledged giving the six-page document to Foreign Person One and Foreign Person Two inside the restaurant.

26. During his interview with FBI agents, KEYSER said that Foreign Persons One and Two are intelligence officers of the government of Taiwan.

27. When questioned about his travel to Taiwan in September 2003, KEYSER stated he had taken annual leave while on official travel to Japan and had flown to Taipei for sight-seeing purposes. KEYSER acknowledged that he met with Foreign Person One while in Taipei. KEYSER said that he did not notify anyone about his travel to Taiwan, including family members and officials at the Department of State.

## **VII. False Statements on Standard Form 86**

28. In 2004, KEYSER was required by the Department of State to submit a routine background investigation form called a Standard Form 86, a questionnaire which is used by the Department of State to assist in periodically reevaluating an employee’s fitness to handle classified national security information. Among other things, the form requires employees to disclose information about their foreign travel and contacts with foreign governments.

29. On or about May 1, 2004, KEYSER completed his Standard Form 86 on a computer and electronically transmitted it to the Office of Personnel Security of the Diplomatic Security Bureau of the Department of State, located in Arlington, Virginia. On the form, KEYSER was asked to “List foreign countries you have visited, except on travel under official Government orders, working back 7 years.” KEYSER also was instructed on the form to

“indicate the purpose” of each visit to a foreign country. In response, KEYSER reported personal travel he had taken to France in April 2000 and Ireland in May 2003, but did not disclose his travel to Taiwan in September 2003.

30. Subsequent to completing the questionnaire, KEYSER printed out a hard copy of the Standard Form 86 “Signature Form” which contains the following heading in large, bold print: “Certification That My Answers Are True.” Immediately beneath that heading is the following printed language: “My statements on this form, and any attachments to it, are true, complete, and correct to the best of my knowledge and belief and are made in good faith. I understand that a knowing and false statement on this form can be punished by fine or imprisonment or both. (See section 1001 of title 18, United States Code.)” KEYSER signed the certification page, dated it May 3, 2004, and faxed it together with other forms to the Office of Personnel Security of the Diplomatic Security Bureau of the Department of State, located in Arlington, Virginia.

31. KEYSER has acknowledged to the FBI that he did not report his travel to Taiwan during his security reinvestigation in 2004.

32. Based on the foregoing, I respectfully submit that there is probable cause that DONALD WILLIS KEYSER, in a matter within the jurisdiction of the executive branch of the Government of the United States, knowingly and willfully falsified, concealed, and covered up by

trick, scheme, and device a material fact, and made a materially false, fictitious, and fraudulent statement and representation, concerning his travel to Taiwan in September 2003.

David R. Farrell, Jr.  
Special Agent  
Federal Bureau of Investigation

Sworn to and subscribed before  
me this 15<sup>th</sup> day of September 2004.

BARRY R. PORETZ  
UNITED STATES MAGISTRATE JUDGE